

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DUANE A. SINGLETON,) No. C 12-5399 LHK (PR)
Plaintiff,)
v.) ORDER SUA SPONTE
VOLUNTEERS OF AMERICA, et al.,) GRANTING EXTENSION OF
Defendants.) TIME TO PROVIDE LOCATION
) OF PAROLE AGENT GEIGER

Plaintiff, proceeding *pro se*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983.

On November 4, 2013, the court granted defendants' motion to dismiss for failure to state a claim. On November 25, 2013, plaintiff filed an amended complaint. On April 9, 2014, the court dismissed claims against defendants Volunteers of America and Kevin Williams because even after being given an opportunity to correct the deficiency, plaintiff failed to sufficiently allege that either defendant was a person acting under color of state law.

The court also directed plaintiff to provide more information regarding the location of the remaining defendant, Parole Agent Geiger. In that order, the court instructed plaintiff to provide sufficient information to effectuate service upon, or face dismissal of, Parole Agent Geiger. *See* Fed. R. Civ. P. 4(m). Plaintiff filed a response on April 30, 2014, indicating that he was unable to obtain a forwarding address for Parole Agent Geiger, who had since retired. Plaintiff further stated that he was told by another parole agent that the court has a processing unit which locates

1 and serves outstanding defendants who have yet to be served.

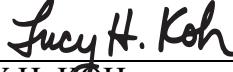
2 However, neither the Marshal nor the court is required to make a search of every
3 government database to identify and locate a defendant. Plaintiff is responsible for providing the
4 court with sufficient information for the Marshall to serve Parole Agent Geiger in his case.
5 Nonetheless, as a matter of courtesy, the court requests the Litigation Coordinator at the
6 Regional Parole Office to confirm that Parole Agent Geiger is indeed retired. Within **thirty**
7 **days** of the filing date of this order, the Litigation Coordinator is also requested to provide a
8 forwarding address for Parole Agent Geiger, or file a notice that such information is not
9 available.

10 Plaintiff is therefore granted *sua sponte* a thirty-day extension of time to provide an
11 accurate location so that the Marshall can serve Parole Agent Geiger. **Within thirty days** of the
12 filing date of this order, if the Litigation Coordinator has not provided a forwarding address and
13 plaintiff has not provided an accurate and current location so that the Marshal can serve Parole
14 Agent Geiger, the claims against Parole Agent Geiger will be dismissed without prejudice. *See*
15 *Walker v. Sumner*, 14 F.3d 1415, 1421-22 (9th Cir. 1994) (holding prisoner failed to show cause
16 why prison official should not be dismissed under Rule 4(m) where prisoner failed to show he
17 had provided Marshal with sufficient information to effectuate service).

18 **The clerk is directed to send a copy of this order to the Litigation Coordinator at the**
19 **Regional Parole Office at 1515 Clay Street, 10th Floor, Oakland, CA 94612.**

20 IT IS SO ORDERED.

21 DATED: 6/23/14


22 _____
23 LUCY H. KOH
24 United States District Judge
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